

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN GUTIERREZ VILLASENOR,

Defendant.

Case No. [18-cr-00437-SI-1](#)

**ORDER DENYING DEFENDANT'S
MOTION FOR SENTENCE
REDUCTION**

Re: Dkt. No. 75

Defendant Brian Gutierrez Villaseñor is 33 years old and currently serving a 120-month sentence for his convictions on one count of possession with intent to distribute 50 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vii), and one count of transporting funds to promote unlawful activity, in violation of 21 U.S.C. § 1956(a)(2)(A). Villaseñor was distributing cocaine and methamphetamine for a dark web site for at least four years. When he was arrested, Villaseñor possessed six firearms, including two that were in a duffel bag that Villaseñor threw out of the window when agents arrived. PSR ¶ 13 (Dkt. No. 35); Plea Agreement at 5 (Dkt. No. 29). Villaseñor is incarcerated at FCI Lompoc and his projected release date according to the Bureau of Prisons' website is September 30, 2027.

On February 22, 2024, Villaseñor filed a *pro se* motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 821 to the Federal Sentencing Guidelines. The Court referred the motion to the Federal Public Defender, which declined representation. Dkt. No. 76. On March 11, 2024, the Probation Officer filed a sentence reduction investigation memo recommending that the motion be denied.

Part A of Amendment 821 relates to individuals assigned status points under section 4A1.1(d) of the Guidelines Manual when originally sentenced. Part B of the Amendment concerns individuals with zero criminal history points. Villaseñor seeks relief pursuant to Part B. In order to

1 be eligible for relief under Part B, a defendant must meet ten criteria, including that “the defendant
2 did not possess, receive, purchase, transport, transfer, sell, or otherwise dispose of a firearm or other
3 dangerous weapon (or induce another participant to do so) in connection with the offense.” U.S.S.G.
4 4C1.1. Villasenor is ineligible for relief under Part B of Amendment 821 because he possessed
5 multiple firearms in connection with the instant offense. Accordingly, the Court DENIES the
6 motion for a sentence reduction.

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8 **IT IS SO ORDERED.**

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10 Dated: March 13, 2024

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13 SUSAN ILLSTON
14 United States District Court
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United States District Court
Northern District of California